
SECOND SUBSTITUTE HOUSE BILL 1096

State of Washington

69th Legislature

2025 Regular Session

By House Appropriations (originally sponsored by Representatives Barkis, Ryu, Connors, Leavitt, Klicker, Reed, Fitzgibbon, Richards, Couture, Macri, Callan, Doglio, Bronoske, Tharinger, Wylie, Duerr, Timmons, Ormsby, Fosse, Stonier, Bernbaum, and Hill)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to increasing housing options through lot
2 splitting; adding a new section to chapter 58.17 RCW; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that allowing an
6 existing residential lot to be split to create a new residential lot
7 through a simple, administrative process can offer many advantages to
8 both the existing homeowner and to prospective homebuyers. The
9 legislature further finds that administrative lot splitting can
10 provide current owners the opportunity to maintain homeownership in
11 changing life circumstances while facilitating development of middle
12 housing to provide homebuyers, including first-time homebuyers, with
13 more affordable ownership opportunities. The legislature also finds
14 that lot splitting can be combined with the review of a residential
15 building permit application to create a single integrated process
16 benefiting both homeowners and cities. Therefore, it is the intent of
17 the legislature to ease restrictions on, and expand opportunities
18 for, lot splitting in certain cities planning under chapter 36.70A
19 RCW, the growth management act.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 58.17
2 RCW to read as follows:

3 (1) Cities required to comply with the minimum density
4 requirements under RCW 36.70A.635 shall include in their development
5 or subdivision regulations a process through which an applicant can
6 seek simultaneous review and approval of an administrative lot split
7 and residential building permit to create new middle housing, as
8 defined in RCW 36.70A.030, or single-family housing. The application
9 process for a residential lot to be split may require only an
10 administrative decision, through which the application is reviewed,
11 approved, or denied by the planning director or other designee based
12 on applicable development standards without a predecision public
13 hearing. A new buildable residential lot and residential building
14 permit or permits must be administratively approved and are not
15 subject to administrative appeal if they comply with applicable
16 development standards and the following conditions are met:

17 (a) No more than one newly created lot is created through the
18 administrative lot split;

19 (b) Both the parent lot and the newly created lot meet the
20 minimum lot size allowed under applicable development regulations;

21 (c) The parent lot was not created through the splitting of a
22 residential lot authorized by this section;

23 (d) The parent lot is located in a residential zone and not in an
24 exclusively nonresidential zone including, but not limited to, zones
25 that are exclusively commercial, retail, agricultural, or industrial;

26 (e) If the lot split would require demolition or alteration of
27 any existing housing that would displace a renter, the applicant must
28 recommend a displacement mitigation strategy that may include, but is
29 not limited to, relocation assistance;

30 (f) The applicable sewer and water purveyors have issued
31 certificates of availability to serve the newly created lot and
32 dwelling unit;

33 (g) Access and utility rights are granted or conveyed as
34 necessary on or before recording of the lot split survey to provide
35 access for the maximum number of dwelling units that could be
36 developed on the newly created lot, provided such access rights may
37 be reduced consistent with a city's adopted codes, regulations, or
38 design standards as applicable through review of a subsequent
39 application for a building permit, short subdivision, unit lot
40 subdivision, subdivision application, or short subdivision if less

1 than the maximum number of dwelling units are built on the newly
2 created lot;

3 (h) The planning director or other designee determines that the
4 application follows all applicable development regulations; and

5 (i) The lot split survey has been approved by the planning
6 director or other designee and includes a condition on the face of
7 the survey that further lot splits of the parent lot and newly
8 created lot are not authorized by this section.

9 (2) A proposed lot split may be conditioned upon dedication of
10 right-of-way on the parent lot to the extent such dedication is
11 required under applicable codes, regulations, and design standards
12 for the development, short plat, or subdivision of the parent lot
13 absent an administrative lot split.

14 (3) Development of dwellings on the newly created lot may be
15 conditioned upon construction of frontage improvements to a right-of-
16 way adjacent to either the parent lot or the newly created lot to the
17 extent required under applicable codes, regulations, and design
18 standards.

19 (4) Any construction on the newly created lot is subject to all
20 existing state and local laws including those specified in this
21 section. Nothing in this section modifies the requirements for
22 approval of residential building permits in chapter 19.27 RCW.

23 (5) A city subject to the requirements of this section may not
24 impose a limit on the total number of dwelling units allowed on the
25 parent lot or newly created lot that is less than the number of
26 dwelling units allowed by the underlying zoning of the parent lot
27 prior to the administrative lot split.

28 (6) Notwithstanding the provisions of this section, lots that are
29 not buildable according to locally adopted development regulations
30 including, but not limited to, critical areas, shorelines,
31 stormwater, setbacks, impervious surface areas, and building coverage
32 standards, are not eligible for a lot split under this section.

33 (7) If a lot split results in a lot of a size that would allow
34 for further land division, the lot is not eligible for a lot split
35 but may be divided under other applicable land subdivision processes.

36 (8) The newly created lots must meet any locally adopted minimum
37 density requirements.

38 (9) Cities are immune from any liability, loss, or other damage
39 suffered by another that is related to the city's approval of a lot

1 split under this act, including if the lot split creates a lot that
2 is later determined to not be buildable.

3 (10) Parent lots and newly created lots approved under this
4 section must be recorded with the county assessor with a notation
5 that future lot splits are not allowed on the lot.

6 (11) Ordinances adopted to comply with this section are not
7 subject to administrative or judicial appeal under chapter 43.21C
8 RCW.

9 (12) The department of commerce must develop guidance for cities
10 in implementing the lot splitting requirements.

11 (13) A city required to comply with the requirements of this
12 section that has its next comprehensive plan update due in 2027,
13 pursuant to RCW 36.70A.130, must adopt or amend by ordinance, and
14 incorporate into its development regulations, zoning regulations, and
15 other official controls, the requirements of this section in its next
16 comprehensive plan update. All other cities required to comply with
17 this section must implement the requirements within two years of the
18 effective date of this section.

19 (14) For the purposes of this section, the following definitions
20 apply unless the context clearly requires otherwise:

21 (a) "Lot split" means the administrative process of dividing an
22 existing lot into two lots for the purpose of sale, lease, or
23 transfer of ownership pursuant to this section.

24 (b) "Lot split survey" means the final survey prepared for filing
25 for record with the county auditor and containing all elements and
26 requirements for a lot split under this section and any local
27 regulations.

28 (c) "Newly created lot" means a lot that was created by a lot
29 split under this section.

30 (d) "Parent lot" means a lot that is subjected to a lot split
31 under this section.

32 NEW SECTION. **Sec. 3.** If specific funding for the purposes of
33 this act, referencing this act by bill or chapter number, is not
34 provided by June 30, 2025, in the omnibus appropriations act, this
35 act is null and void.

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